

# Arrest Warrant and Indictment Forms

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Jeffrey B. Welty



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# TABLE OF CONTENTS

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*Future updates to this edition will be available online at [www.sog.unc.edu/pubs/updates](http://www.sog.unc.edu/pubs/updates).*

**Introduction** ..... xi

**List of AOC Charging Forms** ..... xiii

**General Offenses** ..... **General Statute**

Aiding and abetting ..... COMMON LAW

Conspiracy ..... COMMON LAW AND G.S. 14-2.4

Attempt ..... COMMON LAW AND G.S. 14-2.5

Solicitation to commit a crime ..... COMMON LAW AND G.S. 14-2.6

Increased punishment for infamous misdemeanor, misdemeanor committed  
in secrecy and malice, or with deceit and intent to defraud .....COMMON LAW AND G.S. 14-3(b)

Increased punishment for misdemeanor committed because of prejudice .....G.S. 14-3(c)

Accessory before the fact to a felony ..... G.S. 14-5.2

Accessory after the fact to a felony ..... G.S. 14-7

Habitual felon .....G.S. 14-7.1

Violent habitual felon .....G.S. 14-7.7

**Chapter 14 (Criminal Law)** ..... **General Statute**

Assault on court, executive, or legislative officer ..... G.S. 14-16.6

Threatening court, executive, or legislative officer ..... G.S. 14-16.7

Murder ..... G.S. 14-17

Manslaughter ..... G.S. 14-18

First-degree rape ..... G.S. 14-27.2

Rape of a child by an adult ..... G.S. 14-27.2A

Second-degree rape ..... G.S. 14-27.3

First-degree sexual offense ..... G.S. 14-27.4

Sexual offense with a child by an adult ..... G.S. 14-27.4A

Second-degree sexual offense ..... G.S. 14-27.5

Sexual battery ..... G.S. 14-27.5A

Sexual activity by a person who has assumed the position of a parent ..... G.S. 14-27.7(a)

Sexual activity by a custodian ..... G.S. 14-27.7(a)

Sexual activity with student by teacher, student teacher, administrator, school safety officer, or coach ..... G.S. 14-27.7(b)

Sexual activity with student by school personnel other than teacher, student teacher, administrator,  
school safety officer, or coach ..... G.S. 14-27.7(b)

Statutory rape of person who is 13, 14, or 15 years old ..... G.S. 14-27.7A

Statutory sexual offense with a person who is 13, 14, or 15 years old ..... G.S. 14-27.7A

Castration and maiming ..... G.S. 14-28, -29, -30

Malicious throwing of corrosive acid or alkali ..... G.S. 14-30.1

Note on assault terminology and charging "show of violence" theory of assault .....

Assault with deadly weapon with intent to kill inflicting serious injury .....G.S. 14-32(a)

Assault with deadly weapon inflicting serious injury ..... G.S. 14-32(b)

Assault with deadly weapon with intent to kill .....G.S. 14-32(c)

Assaults on handicapped persons ..... G.S. 14-32.1

Patient abuse and neglect ..... G.S. 14-32.2

Domestic abuse or neglect of disabled or elder adults ..... G.S. 14-32.3

Assault inflicting serious bodily injury .....G.S. 14-32.4(a)

|  |                   |
|--|-------------------|
| Assault inflicting physical injury by strangulation . . . . .  | G.S. 14-32.4(b)   |
| Simple assault . . . . .   | G.S. 14-33(a)     |
| Simple affray . . . . .  | G.S. 14-33(a)     |
| Assault inflicting serious injury . . . . .  | G.S. 14-33(c)(1)  |
| Assault with a deadly weapon . . . . .   | G.S. 14-33(c)(1)  |
| Assault on a female by a male at least 18 . . . . .  | G.S. 14-33(c)(2)  |
| Assault on a child under 12 years of age . . . . .   | G.S. 14-33(c)(3)  |
| Assault on a government officer or employee . . . . .  | G.S. 14-33(c)(4)  |
| Assault on school personnel . . . . .  | G.S. 14-33(c)(6)  |
| Assault on a public transit operator . . . . .   | G.S. 14-33(c)(7)  |
| Assault in presence of minor . . . . .   | G.S. 14-33(d)     |
| Habitual misdemeanor assault . . . . .   | G.S. 14-33.2      |
| Assault by pointing a gun . . . . .  | G.S. 14-34        |
| Discharging firearm or air gun into occupied property . . . . .  | G.S. 14-34.1      |
| Assault with a firearm or other deadly weapon on government officer or<br>employee or company or campus police officer . . . . . | G.S. 14-34.2      |
| Going armed to the terror of the people . . . . .  | COMMON LAW        |
| Assault with a firearm on a law enforcement officer or a related professional . . . . .  | G.S. 14-34.5      |
| Assault on a firefighter or specified medical personnel . . . . .  | G.S. 14-34.6      |
| Assault on a law enforcement officer or a related professional inflicting serious injury . . . . .                               | G.S. 14-34.7      |
| First-degree kidnapping . . . . .  | G.S. 14-39        |
| Second-degree kidnapping . . . . .   | G.S. 14-39        |
| False imprisonment . . . . .   | COMMON LAW        |
| Abduction of children . . . . .  | G.S. 14-41        |
| Felonious restraint . . . . .  | G.S. 14-43.3      |
| Malicious injury or damage by explosives . . . . .   | G.S. 14-49, -49.1 |
| First-degree burglary . . . . .  | G.S. 14-51        |
| Second-degree burglary . . . . .   | G.S. 14-51        |
| Felonious breaking or entering . . . . .   | G.S. 14-54(a)     |
| Misdemeanor breaking or entering . . . . .   | G.S. 14-54(b)     |
| Breaking or entering a place of religious worship . . . . .  | G.S. 14-54.1      |
| Preparation to commit burglary/possession of burglar's tools/etc. . . . .  | G.S. 14-55        |
| Breaking or entering a vehicle . . . . .   | G.S. 14-56        |
| Breaking into a coin- or currency-operated machine . . . . .   | G.S. 14-56.1      |
| Damaging coin- or currency-operated machine . . . . .  | G.S. 14-56.2      |
| First-degree arson . . . . .   | G.S. 14-58        |
| Second-degree arson . . . . .  | G.S. 14-58        |
| Burning of a public building . . . . .   | G.S. 14-59        |
| Burning of a schoolhouse or other educational building . . . . .   | G.S. 14-60        |
| Burning of an uninhabited dwelling, a building used for trade, etc. . . . .  | G.S. 14-62        |
| Burning of a building under construction . . . . .   | G.S. 14-62.1      |
| Burning of church, chapel, or meeting house . . . . .  | G.S. 14-62.2      |
| Occupant or owner burning dwelling house . . . . .   | G.S. 14-65        |
| Burning of personal property . . . . .   | G.S. 14-66        |
| Making a false report concerning a destructive device . . . . .  | G.S. 14-69.1      |
| Receiving stolen goods . . . . .   | G.S. 14-71(a)     |
| Receiving or possessing goods represented as stolen . . . . .  | G.S. 14-71(b)     |
| Possessing stolen goods . . . . .  | G.S. 14-71.1      |
| Misdemeanor larceny/felony larceny by value/larceny by trick . . . . .   | G.S. 14-72(a)     |
| Larceny from the person . . . . .  | G.S. 14-72(b)(1)  |
| Larceny pursuant to burglary or breaking or entering . . . . .   | G.S. 14-72(b)(2)  |
| Larceny of a firearm . . . . .   | G.S. 14-72(b)(4)  |

|  |                             |
|--|-----------------------------|
| Shoplifting (concealment of merchandise) .....                                 | G.S. 14-72.1                |
| Unauthorized use of motor-propelled conveyance .....                           | G.S. 14-72.2                |
| Larceny of motor fuel .....  | G.S. 14-72.5                |
| Larceny from a construction site .....   | G.S. 14-72.6                |
| Larceny by employee .....  | G.S. 14-74                  |
| Larceny of chose in action .....   | G.S. 14-75                  |
| Larceny of dog or livestock .....  | G.S. 14-81                  |
| Robbery with dangerous weapon .....  | G.S. 14-87                  |
| Common law robbery .....   | COMMON LAW AND G.S. 14-87.1 |
| Safecracking .....   | G.S. 14-89.1                |
| Embezzlement .....   | G.S. 14-90                  |
| Embezzlement by state officer or employee .....                                | G.S. 14-91                  |
| Embezzlement by local or charitable officer or employee .....                  | G.S. 14-92                  |
| Obtaining property by false pretenses .....                                    | G.S. 14-100                 |
| Possess fraudulent form of identification .....                                | G.S. 14-100.1               |
| Obtaining property by worthless check .....                                    | G.S. 14-106                 |
| Writing worthless checks .....   | G.S. 14-107                 |
| Defrauding innkeeper .....   | G.S. 14-110                 |
| Exploitation of elder or disabled adult .....                                  | G.S. 14-112.2               |
| Financial transaction card theft: taking card .....                            | G.S. 14-113.9(a)(1)         |
| Financial transaction card theft: receiving stolen or lost cards .....         | G.S. 14-113.9(a)(1), (a)(2) |
| Financial transaction card theft: selling or buying card .....                 | G.S. 14-113.9(a)(3)         |
| Financial transaction card theft: using scanning device .....                  | G.S. 14-113.9(a)(5)         |
| Financial transaction card forgery .....                                       | G.S. 14-113.11              |
| Financial transaction card fraud .....   | G.S. 14-113.13              |
| Financial transaction card fraud: false statements .....                       | G.S. 14-113.13(c), (d)      |
| Financial transaction card fraud: payment for non-sale .....                   | G.S. 14-113.13(c1)          |
| Possession of financial transaction card forgery devices .....                 | G.S. 14-113.14              |
| Receiving goods or services obtained by financial transaction card fraud ..... | G.S. 14-113.15              |
| Criminal factoring of financial transaction card records .....                 | G.S. 14-113.15A             |
| Identity theft .....   | G.S. 14-113.20              |
| Trafficking in stolen identities .....   | G.S. 14-113.20A             |
| Disposing of secured (mortgaged) personal property .....                       | G.S. 14-114                 |
| Secreting personal property to hinder enforcement of security interest .....   | G.S. 14-115                 |
| Extortion .....  | G.S. 14-118.4               |
| Theft of cable television service .....  | G.S. 14-118.5               |
| Forging and counterfeiting of currency, notes, checks, and securities .....    | G.S. 14-119(a)              |
| Possessing or transporting counterfeit instruments .....                       | G.S. 14-119(a), (b)         |
| Common law forgery .....   | COMMON LAW                  |
| Common law uttering of forged paper .....                                      | COMMON LAW                  |
| Uttering forged paper .....  | G.S. 14-120                 |
| Forging endorsement .....  | G.S. 14-120                 |
| Uttering paper with forged endorsement .....                                   | G.S. 14-120                 |
| Injury to real property .....  | G.S. 14-127                 |
| Forcible trespass .....  | COMMON LAW                  |
| Disorderly conduct in public building or facility .....                        | G.S. 14-132(a)(1)           |
| Domestic criminal trespass .....   | G.S. 14-134.3               |
| Desecrating grave site .....   | G.S. 14-148, -149           |
| Interfering with electric, gas, or water meters .....                          | G.S. 14-151.1               |
| First-degree trespass .....  | G.S. 14-159.12              |
| Second-degree trespass .....   | G.S. 14-159.13              |
| Injury to personal property .....  | G.S. 14-160                 |

|   |                     |
|---|---------------------|
| Altering or removing permanent identification marks .....   | G.S. 14-160.1       |
| Failure to return rental property .....   | G.S. 14-167         |
| Conversion of property by bailee, lessee, etc.....  | G.S. 14-168.1       |
| Failure to return rental property with written purchase option .....  | G.S. 14-168.4       |
| Crime against nature .....  | G.S. 14-177         |
| Incest .....  | G.S. 14-178         |
| Disseminating obscene writing or picture .....  | G.S. 14-190.1(a)(1) |
| Disseminating obscene movie, video, etc.....  | G.S. 14-190.1(a)(4) |
| Possessing obscenity with intent to disseminate.....  | G.S. 14-190.1(e)    |
| Preparing obscene photograph .....  | G.S. 14-190.5       |
| Using minor to assist in obscenity offense.....   | G.S. 14-190.6       |
| Disseminate obscenity to minor under 16 .....   | G.S. 14-190.7       |
| Disseminate obscenity to minor under 13 .....   | G.S. 14-190.8       |
| Indecent exposure .....   | G.S. 14-190.9       |
| First-degree sexual exploitation of a minor.....  | G.S. 14-190.16      |
| Second-degree sexual exploitation of a minor .....  | G.S. 14-190.17      |
| Third-degree sexual exploitation of a minor.....  | G.S. 14-190.17A     |
| Harassing telephone calls .....   | G.S. 14-196         |
| Cyberstalking .....   | G.S. 14-196.3       |
| Secret peeping .....  | G.S. 14-202         |
| Taking indecent liberties with children.....  | G.S. 14-202.1       |
| Solicit child by computer to commit sex act .....   | G.S. 14-202.3       |
| Taking indecent liberties with student by teacher, administrator, student teacher,<br>school safety officer, or coach .....                             | G.S. 14-202.4       |
| Taking indecent liberties with student by school personnel other than teacher,<br>administrator, student teacher, school safety officer, or coach ..... | G.S. 14-202.4       |
| Prostitution .....  | G.S. 14-204         |
| Loitering for prostitution.....   | G.S. 14-204.1       |
| Failure to register as a sex offender and related offenses .....  | G.S. 14-208.11      |
| Sex offender residency restriction .....  | G.S. 14-208.16      |
| Perjury.....  | G.S. 14-209         |
| Subornation of perjury.....   | G.S. 14-210         |
| Bribery of public official.....   | G.S. 14-217, -218   |
| Altering, destroying, or stealing criminal evidence.....  | G.S. 14-221.1       |
| Altering court document.....  | G.S. 14-221.2       |
| Resist, delay, or obstruct public officer .....   | G.S. 14-223         |
| False report to law enforcement officer or agency .....   | G.S. 14-225         |
| Intimidating witnesses.....   | G.S. 14-226         |
| Obstructing justice .....   | COMMON LAW          |
| Willfully failing to discharge duties .....   | G.S. 14-230         |
| Malfeasance of corporate officer.....   | G.S. 14-254         |
| Escape from local jail or officer .....   | G.S. 14-256         |
| Providing weapons or drugs to inmate.....   | G.S. 14-258.1(a)    |
| Malicious conduct by prisoner.....  | G.S. 14-258.4       |
| Carrying a concealed weapon .....   | G.S. 14-269         |
| Weapon on campus or other educational property .....  | G.S. 14-269.2       |
| Carrying gun into assembly or alcoholic beverage establishment.....   | G.S. 14-269.3       |
| Minor possessing handgun .....  | G.S. 14-269.7       |
| Impersonating law enforcement officer .....   | G.S. 14-277(a)-(d)  |
| Communicating threats.....  | G.S. 14-277.1       |
| Stalking.....   | G.S. 14-277.3A      |
| Making false ambulance request .....  | G.S. 14-286.1       |

|   |  |
|---|--|
| Misdemeanor riot .....  | G.S. 14-288.2(a)                                 |
| Felony riot .....   | G.S. 14-288.2(c)                                 |
| Inciting to riot .....  | G.S. 14-288.2(d), (e)                            |
| Disorderly conduct .....  | G.S. 14-288.4                                    |
| Possession of weapon of mass death and destruction .....  | G.S. 14-288.8                                    |
| Gambling .....  | G.S. 14-292                                      |
| Failing to store firearm to protect minor .....   | G.S. 14-315.1                                    |
| Contributing to the delinquency or other condition of a minor .....   | G.S. 14-316.1                                    |
| Misdemeanor child abuse .....   | G.S. 14-318.2                                    |
| Felony child abuse .....  | G.S. 14-318.4                                    |
| Transporting or keeping child out-of-state in violation of custody order .....  | G.S. 14-320.1                                    |
| Abandonment or nonsupport of dependent spouse or child .....  | G.S. 14-322                                      |
| Abandonment and nonsupport of child for six months .....  | G.S. 14-322.1                                    |
| Cruelty to animals .....  | G.S. 14-360                                      |
| Cockfighting .....  | G.S. 14-362                                      |
| Animal fighting and baiting .....   | G.S. 14-362.1                                    |
| Dog fighting and baiting .....  | G.S. 14-362.2                                    |
| Littering .....   | G.S. 14-399                                      |
| Ethnic intimidation .....   | G.S. 14-401.14                                   |
| Purchase, sell, etc., pistol without permit .....   | G.S. 14-402                                      |
| Possession of firearm by convicted felon .....  | G.S. 14-415.1                                    |
| Carrying concealed handgun without having permit in one's possession .....  | G.S. 14-415.21                                   |
| Drunk and disruptive .....  | G.S. 14-444                                      |
| Accessing a computer .....  | G.S. 14-454                                      |
| Accessing a government computer .....   | G.S. 14-454.1                                    |
| Damaging a computer .....   | G.S. 14-455                                      |
| Computer trespass .....   | G.S. 14-458                                      |
| <b>Chapter 15A (Criminal Procedure) .....</b>   | <b>General Statute</b>                           |
| Firearm or deadly weapon enhancement .....  | G.S. 15A-1340.16A                                |
| <b>Chapter 18B (Alcoholic Beverages) .....</b>  | <b>General Statute</b>                           |
| Important definitions concerning alcoholic beverages  |  |
| Possession, sale, or transportation of nontaxpaid alcoholic beverages .....   | G.S. 18B-111                                     |
| Public possession or consumption of malt beverage or unfortified wine .....   | G.S. 18B-300/LOCAL ORDINANCE                     |
| Consumption of malt beverages or unfortified wine on premises with off-premises permit only .....                         | G.S. 18B-300(b)                                  |
| Consumption of fortified wine, spirituous liquor, or mixed beverages on public street or highway .....                    | G.S. 18B-301(f)(1)                               |
| Public display of fortified wine, spirituous liquor, or mixed beverages at athletic contest .....                         | G.S. 18B-301(f)(2)                               |
| Possession or consumption of fortified wine, spirituous liquor, or mixed beverages on unauthorized premises .....         | G.S. 18B-301(f)(3), (4)                          |
| Possession or consumption of malt beverages or unfortified wine on property owned or leased by a local school board ..... | G.S. 18B-301(f)(7)                               |
| Underage offenses involving malt beverages or unfortified wine .....  | G.S. 18B-302(a)(1), (a1)(1), (b)(1), (b)(3), (c) |
| Underage offenses involving fortified wine or spirituous liquor .....   | G.S. 18B-302(a)(2), (a1)(2), (b)(2), (b)(3), (c) |
| Underage offenses involving mixed beverages .....   | G.S. 18B-302(a)(2), (a1)(2), (b)(2), (b)(3), (c) |
| Fraudulent use or loan of identification to commit underage offense .....   | G.S. 18B-302(e), (f)                             |
| Sale of more alcoholic beverage than allowed .....  | G.S. 18B-303                                     |
| Sale of alcoholic beverage without a permit or license .....  | G.S. 18B-304                                     |
| Sale to intoxicated person .....  | G.S. 18B-305(a)                                  |
| Manufacturing alcoholic beverage .....  | G.S. 18B-307(b)                                  |
| Unlawful transportation of spirituous liquor or fortified wine .....  | G.S. 18B-401, -406                               |
| Consumption of malt beverage or unfortified wine by driver of motor vehicle .....   | G.S. 18B-401(a)                                  |
| Sale of malt beverages, wine, or mixed beverages outside permitted hours .....  | G.S. 18B-1004                                    |

|   |                            |
|---|----------------------------|
| <b>Chapter 20 (Motor Vehicles)</b> .....  | <b>General Statute</b>     |
| Possessing, receiving, or transferring stolen vehicle.....                                    | G.S. 20-106                |
| Use of red or blue lights.....  | G.S. 20-130.1              |
| Impaired driving .....  | G.S. 20-138.1              |
| Impaired driving in commercial vehicle .....  | G.S. 20-138.2              |
| Habitual impaired driving.....  | G.S. 20-138.5              |
| Transporting open container of alcoholic beverage after consuming alcohol .....               | G.S. 20-138.7              |
| Racing .....  | G.S. 20-141.3              |
| Death or serious injury by vehicle.....   | G.S. 20-141.4              |
| Speeding to elude arrest.....   | G.S. 20-141.5              |
| Failure to heed light or siren of emergency vehicle .....                                     | G.S. 20-157(a)             |
| Felonious hit and run .....   | G.S. 20-166(a)             |
| Misdemeanor hit and run .....   | G.S. 20-166(b), (c), (c1)  |
| Hit and run: failure to notify authorities .....  | G.S. 20-166.1(a)           |
| <br><b>Chapter 49 (Bastardy)</b> .....  | <br><b>General Statute</b> |
| Nonsupport of illegitimate child.....   | G.S. 49-2                  |
| <br><b>Chapter 50B (Domestic Violence)</b> .....  | <br><b>General Statute</b> |
| Violating civil domestic violence protective order .....                                      | G.S. 50B-4.1               |
| <br><b>Chapter 58 (Insurance)</b> .....   | <br><b>General Statute</b> |
| Insurance fraud.....  | G.S. 58-2-161              |
| <br><b>Chapter 75A (Boating and Water Safety)</b> .....                                       | <br><b>General Statute</b> |
| Boating while impaired .....  | G.S. 75A-10(b1)            |
| <br><b>Chapter 90 (Controlled Substances Act)</b> .....                                       | <br><b>General Statute</b> |
| Rescheduling of substance by commission .....   | G.S. 90-88                 |
| Manufacture of a controlled substance .....   | G.S. 90-95(a)(1)           |
| Sale or delivery of a controlled substance .....  | G.S. 90-95(a)(1)           |
| Possession of controlled substance with intent to manufacture, sell, or deliver .....         | G.S. 90-95(a)(1)           |
| Sale or delivery of counterfeit controlled substance .....                                    | G.S. 90-95(a)(2)           |
| Simple possession of schedule I controlled substance.....                                     | G.S. 90-95(a)(3)           |
| Simple possession of schedule II–IV controlled substance.....                                 | G.S. 90-95(a)(3)           |
| Simple possession of schedule V controlled substance .....                                    | G.S. 90-95(a)(3)           |
| Simple possession of schedule VI controlled substance .....                                   | G.S. 90-95(a)(3)           |
| Possession of immediate precursor chemical.....   | G.S. 90-95(d1)             |
| Prior drug convictions .....  | G.S. 90-95(e)              |
| Selling or delivering a controlled substance to a person under 16 or to a pregnant woman..... | G.S. 90-95(e)(5)           |
| Selling, delivering, etc., controlled substance near school .....                             | G.S. 90-95(e)(8)           |
| Selling, delivering, etc., controlled substance near child care center .....                  | G.S. 90-95(e)(8)           |
| Possessing controlled substance in prison or jail.....  | G.S. 90-95(e)(9)           |
| Selling, delivering, etc., controlled substance near public park.....                         | G.S. 90-95(e)(10)          |
| Drug trafficking .....  | G.S. 90-95(h), (i)         |
| Continuing criminal enterprise .....  | G.S. 90-95.1               |
| Employing minor to commit drug offense.....   | G.S. 90-95.4               |
| Promoting drug sales by minor .....   | G.S. 90-95.6               |
| Participating in drug violation by minor.....   | G.S. 90-95.7               |
| Practitioner and others unlawfully dispensing a controlled substance .....                    | G.S. 90-108(a)(2)          |
| Maintaining a place for using, keeping, or selling controlled substances .....                | G.S. 90-108(a)(7)          |



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| Obtaining controlled substance by fraud or forgery .....         | G.S. 90-108(a)(10)     |
| Possession of drug paraphernalia .....                           | G.S. 90-113.22         |
| Manufacture or delivery of drug paraphernalia .....              | G.S. 90-113.23         |
| Delivery of drug paraphernalia to a minor .....                  | G.S. 90-113.23         |
| Advertisement of drug paraphernalia .....                        | G.S. 90-113.24         |
| Pseudoephedrine transaction limits .....                         | G.S. 90-113.53         |
| <b>Chapter 108A (Social Services) .....</b>                      | <b>General Statute</b> |
| Welfare fraud .....  | G.S. 108A-39           |
| Food and nutrition benefit fraud .....                           | G.S. 108A-53           |
| Illegal possession or use of food and nutrition benefit .....    | G.S. 108A-53.1         |
| Medicaid fraud by provider .....                                 | G.S. 108A-63           |
| Medicaid fraud by recipient .....                                | G.S. 108A-64           |
| <b>Chapter 115C (Elementary and Secondary Education) .....</b>   | <b>General Statute</b> |
| Violation of school compulsory attendance law .....              | G.S. 115C-378(a)       |
| <b>Chapter 148 (State Prison System) .....</b>                   | <b>General Statute</b> |
| Escape from state prison system .....                            | G.S. 148-45            |
| <b>Chapters 153A and 160A (County and City Government) .....</b> | <b>General Statute</b> |
| City or county ordinance violation .....                         | G.S. 153A-50, 160A-79  |



# INTRODUCTION

This publication provides language to charge selected felonies and misdemeanors in North Carolina state courts. Offenses were selected for inclusion based on the frequency with which they are charged and how serious they are, among other factors.

Language in each form that is typed in Times New Roman style (the type you are reading now) is the standard charging language that should be used in charging the offense. Instructions are given in *italics* to indicate what additional information should be supplied. Sample charges are provided for most forms; they are examples of how an offense might be worded.

The Administrative Office of the Courts provides preprinted forms for charging some specific offenses: see the list of AOC charging forms near the beginning of this publication. These preprinted forms generally contain appropriate charging language, although that language may differ from language recommended in this manual. Each charging form in this publication indicates whether an AOC preprinted form is available for that specific offense.

The forms in this publication are arranged according to the numerical order of the statutes. Forms that charge common law offenses are placed near similar statutory offenses. For assistance in finding the appropriate form, consult the table of contents, which lists in order all the forms in this publication.

Each form gives the punishment classification of the offense under the Structured Sentencing Act. To understand the range of punishments for each classification and to learn more about the elements of criminal offenses, see Jessica Smith, *North Carolina Crimes: A Guidebook on the Elements of Crime* (6th ed. 2007) (with an annual cumulative supplement).

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I welcome comments about this publication's scope, organization, or content. Comments may be sent to me by e-mail to [welty@sog.unc.edu](mailto:welty@sog.unc.edu), or by postal mail to the School of Government, Campus Box 3330, Knapp-Sanders Building, The University of North Carolina at Chapel Hill, Chapel Hill, North Carolina 27599-3330.

Jeffrey B. Welty  
Chapel Hill  
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*Future updates to this edition will be available online at [www.sog.unc.edu/pubs/updates](http://www.sog.unc.edu/pubs/updates).*